

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

JESUS ANTONIO HERNANDEZ, #08996-032

PETITIONER

vs.

CIVIL ACTION NO. 5:13cv19-DCB-MTP

M. MARTIN, WARDEN,
FEDERAL CORRECTIONAL COMPLEX,
YAZOO CITY, MISSISSIPPI

RESPONDENT

ORDER

This cause came on this date to be heard upon the Report and Recommendation [docket entry 15] of the United States Magistrate Judge, after referral of hearing by this Court, and the Court, having fully reviewed the Report and Recommendation of the United States Magistrate Judge entered in this cause, and being duly advised in the premises, finds that said Report and Recommendation should be adopted as the opinion of this Court.

IT IS HEREBY ORDERED that the Report and Recommendation of United States Magistrate Judge Michael T. Parker be, and the same is hereby, adopted as the finding of this Court, and that Petitioner Jesus Antonio Hernandez's Petition [1] for Writ of Habeas Corpus and Amended Petition [4] for Writ of Habeas Corpus are dismissed with prejudice regarding the jurisdictional issue and dismissed without prejudice regarding all other issues;

FURTHER ORDERED that Respondent M. Martin's Motion [10] for Change of Venue is DENIED as moot.

A separate judgment will be entered herein in accordance with this Order as required by Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED, this the 16th day of October, 2013.

s/David Bramlette
UNITED STATES DISTRICT JUDGE